

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JOSEPH MARTIN, III

PLAINTIFF

V.

CIVIL ACTION NO. 5:07-cv-158-MTP

BRIAN SEYFARTH

DEFENDANT

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

THIS MATTER is before the court on the Motion for Summary Judgment [47] filed by Defendant. The court previously entered a Report and Recommendations [53] in which the court recommended that the Motion be granted and that plaintiff's claims be dismissed with prejudice. However, as the parties have consented to disposition by the Magistrate Judge and the District Judge has entered an Order of Reference [21], the court is authorized to enter final judgment pursuant to Fed. R. Civ. P. 73 and Local Rule 73.1. Accordingly, for the reasons set forth in the Report and Recommendations, the court finds that Defendant's Motion for Summary Judgment [47] should be granted and Plaintiff's claims should be dismissed with prejudice.¹

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendant's Motion for Summary Judgment [47] is granted and Plaintiff's claims are dismissed with prejudice. A separate judgment shall be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED on this 26th day of January, 2009.

s/ Michael T. Parker

United States Magistrate Judge

¹ In making this ruling, the court has also considered the Objections [54] to the Report and Recommendations filed in Plaintiff. Nothing in the Objections alters this court's conclusion that Defendant is protected by qualified immunity and, therefore, entitled to summary judgment.